

Remarks

Reconsideration and withdrawal of the rejections of the claims, in view of the amendments and remarks herein, is respectfully requested. Claim 42 is allowable. Claims 1, 5, 17, 31, 34, 36, 39, and 41 are amended, claims 2, 7, 13, 35, 37-38, and 43 are canceled, and claims 45-48 are added; as a result, claims 1, 3, 5, 17-18, 31, 34, 36, 39, 41-42, and 44-48 are now pending in this application. The amendments are intended to advance the application and not intended to concede to the correctness of the Examiner's position or to prejudice the prosecution of the claims prior to amendment, which claims are present in a continuation of the present application.

Amended claims 1, 5, 17, 36, and 41 are supported by originally-filed claim 5.

Amended claim 31 and new claim 46 are supported by originally-filed claim 31.

Amended claim 34 and new claim 47 are supported by originally-filed claim 8 and at page 6, lines 17-20 of the specification.

Amended claim 39 is supported by originally-filed claim 33, and new claim 45 is supported by originally-filed claim 3.

New claim 48 is supported by Example II.

The 35 U.S.C. § 112 Rejection

The Examiner rejected claim 43 under 35 U.S.C. § 112, second paragraph. The cancellation of claim 43 renders this rejection moot. Hence withdrawal of the § 112(2) rejection is respectfully requested.

The 35 U.S.C. § 102 Rejections

The Examiner rejected claims 2, 13, 31, 34, and 37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,106,844. The Examiner also rejected claims 2, 13, 31, 34, and 37-39 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,268,491. The Examiner further rejected claims 1-3, 5, 7, 13, 17, 31, 34-38, 41, and 44 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,268,491. These rejections are respectfully traversed.

The cancellation of claims 2, 7, 13 and 37-38, and the amendment to claims 31, 34 and 39, render the § 102(e) rejections of claims 2, 7, 13, 31, 34, and 37-39 over the '844 or '491 patent moot.

With respect to the rejection of claims 1, 3, 5, 17, 31, 34, 36, 41, and 44 over the '491 patent, the '491 patent relates to the use of T cell epitopes of exogenous antigens of the house dust mite. In contrast, claims 1, 3, 5, 17, 31, 34, 36, 41, and 44 are directed to the use of epitopes of endogenous antigens, e.g., the acetylcholine receptor, factor VIII or factor IX.

Accordingly, withdrawal of the § 102 rejections is respectfully requested.

The 35 U.S.C. § 103 Rejection

Claims 1, 3, 5, 17-18, 31, 34-36, and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Daniel et al. (Proc. Natl. Acad. Sci. USA, 93:956 (1996)). This rejection, as it may be maintained with respect to the pending claims, is respectfully traversed.

Daniel et al. do not disclose or suggest the use of epitope peptides of the acetylcholine receptor (AChR), factor VIII or factor IX to prevent or inhibit a pathological condition associated with aberrant, pathogenic or undesirable antibody production which is specific for AChR, factor VIII or factor IV.

Hence, withdrawal of the § 103 rejection is respectfully requested.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 08/991143

Filing Date: December 16, 1997

Title: METHODS TO TREAT UNDESIRABLE IMMUNE RESPONSES

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Dkt: 600.423US1

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6959) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

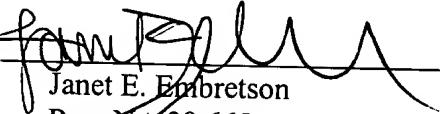
Respectfully submitted,

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By her Representatives,

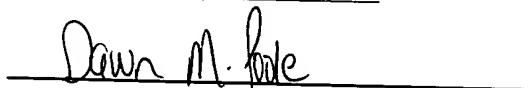
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Date November 21, 2003

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 21st day of November, 2003.

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